APPENDIX TO THE BRIEF OF THE RESPONDENTS IN OPPOSITION

The text of orders and provisions involved in this case (other than those quoted in the petition) is as follows:

ORDER OF THE COURT OF APPEALS FOR THE THIRD CIRCUIT DATED FEBRUARY 4, 2000

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

Nos. 97-5715

DANIEL C. MOTLEY,

Appellant

v.

NEW JERSEY STATE POLICE;
THE STATE TROOPERS FRATERNAL ASSOCIATION OF NEW JERSEY

SUGGESTION BY AMICUS CURIAE FOR RE-HEARING EN BANC

BEFORE: BECKER, Chief Judge,
SLOVITER, MANSMANN, GREENBERG, SCIRICA, NYGAARD, ALITO, ROTH, MCKEE, RENDELL and BARRY, Circuit Judges

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Before the Court is the suggestion by Amicus Curiae, Equal Opportunity Employment Commission, that we grant post-publication en banc review in this matter on our own motion. As a majority of the Court has determined that the above captioned appeal does not meet the criteria for en banc review, we deny the request for en banc review. Chief Judge Becker and Judge Rendell would have granted the suggestion.

IT IS SO ORDERED.

s/ _____
United States Circuit Judge

DATE: FEB 4 - 2000

MEDICAL BOARD DETERMINATION DATED DECEMBER 3, 1993

DANIEL CLARK MOTLEY, SPRS 2735

THE MEDICAL BOARD CONSIDERS THE ABOVE NAMED APPLICANT TOTALLY AND PERMANENTLY INCAPACITATED FOR STATE POLICE OFFICER DUTIES.

HIS COMPLAINT IS OF PAIN OF THE KNEE.

FROM A MEDICAL STANDPOINT, THERE DOES APPEAR TO BE A RELATIONSHIP BETWEEN THE DISABILITY AND THE ALLEGED TRAUMATIC INCIDENT.

DECEMBER 4, 1993 DR. WILLIAM H. COLEMAN

NOTIFICATION OF BOARD OF TRUSTEES DECISION DATED FEBRUARY 3, 1994

State of New Jersey
DEPARTMENT OF THE TREASURY
DIVISION OF PENSIONS AND BENEFITS
CN 295
Trenton, New Jersey 08625-0295

Christine Todd Whitman
Governor

Brian W. Clymer
State Treasurer

Margaret M. McMahon
Director

February 3, 1994

Daniel C. Motley
150 Pine Street
Montclair, NJ 07042

RE: SPRS #2735
Notice of Determination

Dear Mr. Motley:

The Board of Trustees of the State Police Retirement System at its meeting of February 2, 1994 approved your application for accidental disability retirement benefits effective May 1, 1993 as a result of the accident which occurred January 24, 1990.

Your claim is now being processed by our Retirement Bureau and all statistics regarding this account will follow. Should you have continued to receive a salary beyond the effective date of retirement after approved by the Board, no retirement benefit will be paid for the period continued in salary and no salary or service credit will be provided for that service rendered after the approved, effective date of retirement.

Sincerely,

s/ Regina M. Trauner
Regina M. Trauner, Secretary
Board of Trustees
State Police Retirement System

jb
c: NJ State Police
Ed Wade w/File